



Paper No. 4

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**OFFICE OF PETITIONS
A/C PATENTS**

**DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)**

In re Application of
Lecheler-Moore, Serio, Dunham, & Riggs
Application No.: 09/780,123
Filed: February 8, 2001
Attorney Docket No.: 1030.52AC
For: HISTORICAL DATA WAREHOUSING
SYSTEM

This is a decision on the petition under 37 CFR 1.47(a), filed April 17, 2001

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 8, 2001 without an executed oath or declaration. Accordingly, on March 15, 2001, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on April 17, 2001, a declaration executed by joint inventors Lecheler-Moore, Serio and Dunham for themselves and Lecheler-Moore on Riggs' behalf, the surcharge, and the instant petition were filed. A declaration of facts of Ms. Lecheler-Moore accompanied the petition. Ms. Lecheler-Moore sets forth the last known address of the non-signing inventor, Larry T. Riggs, and explains that she personally delivered the entire application to Mr. Riggs. Ms. Lecheler-Moore states that Mr. Riggs orally refused to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration submitted with the instant petition was signed by three of the four joint inventors. Inventor Lecheler-Moore signed an addendum to the declaration on behalf of non-signing inventor Riggs. The declaration is not acceptable because

less than all of the signing inventors signed on behalf of Mr. Riggs. All the signing inventors must sign the declaration for the application of behalf of themselves and on behalf on the non-signing inventor. The declaration will be acceptable if all the signing inventors sign in their respective signature blocks and the signature block of the non-signing inventor is left blank **OR** if all the signing inventors sign a document that states they are signing on behalf of the non-signing inventor. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of Mr. Riggs is **REQUIRED**. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

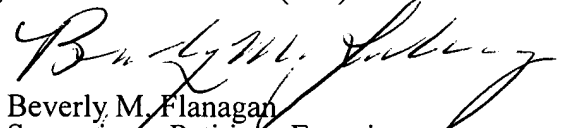
By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
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Telephone inquiries should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.



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